

**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**SYMOLOGY INNOVATIONS, LLC,**

**Plaintiff,**

**v.**

**DEXCOM, INC.,**

**Defendants.**

**CIVIL ACTION NO. 2:23-cv-473**

**JURY TRIAL DEMANDED**

**PLAINTIFF'S ANSWER TO COUNTERCLAIMS**

Symbology Innovations, LLC (“Plaintiff” and “Counter-Defendant”) hereby files this Answer to the Counterclaims filed by Defendant DexCom, Inc. (“Defendant”) at Dkt. No. 6, and would respond as follows:

**THE PARTIES**

1. Plaintiff lacks sufficient information to admit or deny this allegation.
2. Plaintiff admits this allegation.

**JURISDICTION AND VENUE**

3. Plaintiff incorporates its responses above.
4. Plaintiff admits that Defendant is asserting a declaration of non-infringement and invalidity.
5. Plaintiff does not contest personal jurisdiction.
6. Plaintiff does not contest venue is proper in this action.

**COUNT I**

**DECLARATION OF [ALLEGED] NON-INFRINGEMENT**

7. Plaintiff incorporates its responses above.
8. Plaintiff admits there is a controversy concerning infringement, otherwise denies.
9. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
10. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.

**COUNT II**

**DECLARATION OF [ALLEGED] INVALIDITY**

11. Plaintiff incorporates its responses above.
12. Plaintiff admits there is a controversy concerning validity, otherwise denies.
13. Plaintiff denies this allegation and demands strict proof thereof.
14. Plaintiff denies this allegation and demands strict proof thereof. It further denies that Defendant is entitled to any relief whatsoever.

**PRAYER FOR RELIEF**

Plaintiff denies all allegations in Defendant's Prayer for Relief, and further denies Defendant is entitled to any relief whatsoever.

**AFFIRMATIVE DEFENSES**

1. **Failure to State a Claim.** The Counterclaims, and each count therein, fail to state a claim upon which relief may be granted.

2. **Unjust Enrichment.** Defendant improperly enriched itself and should not benefit for its improper and illegal acts.
3. **Validity.** Plaintiff affirmatively pleads that all Asserted Patents are valid.
4. **Infringement.** Plaintiff affirmatively pleads that Defendant has infringed, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement), all valid, enforceable claims of the Asserted Patents.
5. **Lack of Standing.** Defendant does not have any right or standing to assert the claims at issue.
6. **Legal Doctrine.** Defendant's Counterclaim against Plaintiff are barred by one or more of the equitable doctrines of laches, estoppel, acquiescence, waiver, and unclean hands.
7. **Reservation.** Plaintiff reserves the right to assert additional affirmative defenses as they become known through additional investigation and/or discovery during the course of this litigation.

Dated: November 2, 2023

Respectfully Submitted,

*/s/ Randall Garteiser*  
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